



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl, AICP
Director of Planning

November 3, 2005

TO: Supervisor Gloria Molina, Chair
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: James E. Hartl, AICP
Director of Planning

**SUBJECT: BOARD AGENDA ITEM NO. 41, NOVEMBER 8, 2005
AUTHORIZATION REQUEST FOR DIRECTOR OF PLANNING TO ENTER
INTO THREE-PARTY CONTRACTUAL AGREEMENT ON BEHALF OF LOS
ANGELES COUNTY WITH PRIVATE DEVELOPMENT APPLICANTS AND
ENVIRONMENTAL CONSULTANTS**

Under Board Agenda Item No. 41, the Department of Regional Planning (DRP) is requesting authority from the Board of Supervisors for the Director of Planning or his designee to enter into Agreements with project applicants for private development and their environmental consultant whenever an environmental impact report (EIR) is determined to be required for that project under the California Environmental Quality Act (CEQA). The proposed Agreement has been provided separately for your review.

This Agreement formalizes the existing procedure of the Department of Regional Planning (DRP) that allows an applicant for a private development project to select an environmental consultant to prepare an EIR under the management of County staff, as is consistent with Section 21082.1(a) of the California Environmental Quality Act (CEQA) and Section 15084(d) of the State CEQA Guidelines.

This Agreement is in accordance with the recommendations of the DRP in its report "Review of Alternative Techniques to Prepare Environmental Documents" to the Board and with the Environmental Work Group of the Land Development Task Force (LDTF). The Agreement has been reviewed and approved by the full LDTF and was written in conjunction with the County Counsel. The Agreement has also been reviewed by the local chapter of the Building Industry Association and has been slightly modified based on recommendations from that organization.

The Environmental Issues Work Group of the LDTF has recommended as its first goal the need for the Department of Regional Planning (DRP), and other County departments not currently following this practice, to have contractual authority as a guide for applicants, environmental consultants and any sub-consultants in the preparation of EIRs. The use of the EIR Agreement is intended to guarantee the expression of the County's independent judgment in the preparation and review of an EIR and will provide to applicants and consultants specific work product expectations. In addition, the use of a three-party agreement is the implementation of the first recommendation contained within the DRP report "Review of Alternative Techniques to Prepare Environmental Documents."

The benefits to the County from the use of this three-party agreement are the requirement of the applicant to disclose all information relevant to the environmental analysis, a guarantee of impartiality during the preparation of the EIR, and a clear statement of responsibilities of the County, the applicant, and the environmental consultant.

If you have any questions, please call me or Daryl Koutnik of my staff at (213) 974-6461.

JEH:FM:dlk

Cc: Chief Administrative Office
County Counsel
Executive Office